



Federal Communications Commission
Washington, D.C. 20554

DA 05-2224
August 1, 2005
1800E3-JLB

Paxson Batavia License, Inc.
c/o Scott S. Patrick, Esq.
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036-6802

Re: WPXJ(TV), Batavia, New York
Flash-Cut Notification
Facility ID No. 2325

Dear Licensee:

This is with respect to the letter, dated February 9, 2005, from counsel for Paxson Batavia License, Inc. (Paxson), notifying the Commission that Paxson wishes to surrender its out-of-core paired digital allotment on Channel 53 and flash-cut to digital transmission on its NTSC Channel 51 at a future date.

In the *Second Periodic Review*,¹ the Commission recognized “the significant public interest in rapid band-clearing,” and that all out-of core DTV facilities would be required to move to an in-core channel at the end of the DTV transition. Accordingly, the Commission stated that:

[W]e will permit stations with an in-core NTSC channel paired with an out-of-core DTV channel . . . to surrender their out-of-core DTV channels and operate in analog on their analog channels. . . . Upon approval from the [Media Bureau], these stations will then surrender their out-of-core digital channel and . . . ”flash-cut” to digital on their in-core channel no later than the end of the transition in the stations’ markets. . . . [W]e will presume that granting such a request will be in the public interest if the station demonstrates that it is assigned a DTV channel out of the core and that grant of the request would not result in the loss of a DTV channel affiliated with one of the four largest national television networks (ABC, CBS, NBC, or Fox).

¹ See *Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, 19 FCC Rcd 18,279, 18,319-322 (2004) (*Second Periodic Review*).

Second Periodic Review, 19 FCC Rcd at 18,322. Paxson's DTV channel is out of the core and WPXJ(TV) is an affiliate of PAXtv. Accordingly, Paxson's February 9, 2005 request to flash-cut is presumptively in the public interest.

In view of the foregoing, the request filed on behalf of Paxson Batavia License, Inc. to surrender its DTV Channel 53, and flash-cut on its NTSC Channel 51 no later than the end of the DTV transition in the Buffalo, New York market IS APPROVED.

Sincerely,

Robert Ratcliffe
Deputy Chief
Media Bureau